

Summary of Testimony of Jane A. Bassett (Attorney, VP Coalition for Adoption Rights Equality, Inc., and Licensed Foster Parent)
June 7, 2006 – Family and Children’s Services Committee
HB 5908 & 5909

This is a bill that will hurt kids. More than 19,000 are in foster care as of the 2005 report filed by the Department of Human Services. More than ½ million children are in foster care nationally.

These kids need homes. Permanent homes.

Placement of children in foster and adoptive homes is currently based on the “best interests” test. That test has been developed after decades of legislation and case law, and finely honed by countless judges, legislators, and child development experts over the years when considering real cases, real children and real families.

These laws would allow private agencies to ignore this objective test that has developed over time and impose their own version of what is moral on these children and perspective adoptive families. This would essentially gut the tried and true test that has been so carefully and thoughtfully developed over the years. This kind of action and power is dangerous.

This change in the law would result in fewer homes available for children and end up costing the state significantly. It is estimated that children in foster care cost the state \$5000 to \$6000 each year that they remain in foster care. The longer a child resides in foster care, the lower the chances that the child will be adopted into a permanent home. It has also been shown that children who languish in the foster system are less likely to receive higher education and are more likely to rely on the system as adults. There is a higher percentage of children who end up in prison and take up judicial and police resources, who are on welfare and Medicaid, and whose children end up needing child protective services and foster care. These are long term costs that the state can avoid by removing barriers to people who are otherwise qualified from becoming foster and adoptive parents.

The people who volunteer to be foster and adoptive parents are not doing this for their own benefit, but rather to help the children. It is a big adjustment to the household to welcome a new child and forego a good night sleep in favor of nighttime feedings, take time off work for doctors visits, sacrifice career advancement in favor of having that extra day a week to spend with the kids, and all the other things that good parents do. This is not for the benefit of the parent, but rather to help the child. If there are qualified and willing people available, they should not be turned down because of religious differences or even sexual orientation.

There are already safeguards that allow a birth parent to ensure placement of their child with a family having the qualifications they espouse, including: religious background, one vs two parent household, married or partnered, racial, ethnic, hair color, political

views, and any other factor that the birthparent thinks is important. This can be done in any open adoption through any agency. The bill goes far beyond that and allows the adoption agency to substitute their preferences and establish criteria beyond that indicated by the birthparent, and would even allow the agency to use those criteria when the child is a ward of the state. This would constitute prohibited discrimination in the course of state action.

There were to cases mentioned in prior testimony that I wanted to address. The first being the Massachusetts case resulting in Catholic Charities opting to discontinue providing adoption services in that state. That case involved the agency refusing to provide adoption services to a legally married gay couple. The Court ruled that they could not treat a same-gendered married couple differently than a different-gender married couple under the laws of that state. This situation would not replicate itself in Michigan without a change in our Constitution reversing the ban on gay marriages.

The other case that was referenced was the Oklahoma law that prohibited adoptions involving more than one parent of the same gender to be disregarded in that state. The prior testimony did not reveal that that law was recently found to be unconstitutional and overturned.

I appreciate the opportunity to provide this testimony today.

Jane A. Bassett
2750 Carpenter Rd., Ste. 6
Ann Arbor, MI 48108
734-930-9200 (Office)
jbassett@bassettlaw.com

Coalition for Adoption Rights Equality, Inc (CARE, Inc.)
www.secondparentadoption.org